

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RANDY AUSBORN,

Plaintiff,

v.

KERN COUNTY SHERIFF DEPT., *et al.*,

Defendants.

Case No. 1:22-cv-00210-SKO (PC)

ORDER STRIKING UNSIGNED COMPLAINT
AND REQUIRING PLAINTIFF TO FILE A
SIGNED COMPLAINT
(ECF No. 1)

ORDER TO SUBMIT PRISONER APPLICATION
TO PROCEED *IN FORMA PAUPERIS* OR PAY
FILING FEE

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Randy Ausborn (“Plaintiff”) is a county jail inmate proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on February 18, 2022. (ECF No. 1.)

As an initial matter, Plaintiff has not paid the \$402 filing fee or submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff must sign and complete the attached form and submit a certified copy of his trust account statement if he wishes for the application to be considered.

Second, the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In preparing to screen the complaint, the Court noted that Plaintiff’s complaint lacks any signature. Only five pages of the complaint and a civil cover sheet were

received, and it appears that the page of the form complaint that would include Plaintiff's signature is missing.

The Federal Rules of Civil Procedure and this Court's Local Rules require that all filed pleadings, motions and papers be signed by at least one attorney of record or by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As Plaintiff's complaint is unsigned, the Court must strike it from the record. Plaintiff will be permitted an opportunity to file a signed complaint that contains all the necessary pages and complies with the Federal Rules of Civil Procedure and the Local Rules.

Based on the foregoing, it is HEREBY ORDERED that:

1. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis* application for a prisoner on Plaintiff;
2. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL file the attached application to proceed *in forma pauperis*, completed and signed, including a certified copy of his trust account statement for the past six months, or in the alternative, pay the \$402 filing fee for this action;
3. Plaintiff's complaint, filed February 18, 2022, (ECF No. 1), is STRICKEN from the record for lack of signature;
4. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
5. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL file a signed complaint, **not to exceed 25 pages in length**, or a notice of voluntary dismissal; and
6. **Plaintiff is warned that the failure to comply with this order will result in dismissal of this action, without prejudice.**

IT IS SO ORDERED.

Dated: **February 22, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE